

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6306**

**BILL NUMBER:** HB 1091

**NOTE PREPARED:** Jan 13, 2012

**BILL AMENDED:** Jan 13, 2012

**SUBJECT:** Agricultural Operations.

**FIRST AUTHOR:** Rep. Friend

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill provides that if a court finds that an agricultural operation that is the subject of a nuisance action was not a nuisance and that the nuisance action was frivolous, initiated maliciously, or groundless, the court shall award the expenses of litigation, including reasonable attorney's fees, to the defendant in the action. It provides that a person who: (1) manufactures methamphetamine; or (2) grows or harvests marijuana; on agricultural land while committing a civil or criminal trespass commits a Class A infraction.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** (Revised) *Penalty Provision:* The bill provides that a person who manufactures methamphetamine or grows or harvests marijuana on agricultural land while committing a civil or criminal trespass commits a Class A infraction. The maximum judgment for a Class A infraction is \$10,000, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** (Revised) *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Jessica Harmon, 317-232-9854.